HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR TENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON December 23, 2005.

Sepositor:

John A. Jordan

(Signature and Date)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of : December 23, 2005

John H. Magerlein, et al: Examiner: T.M. Thomas
Confirmation No.: 3965

Serial No.: 10/771,817 : Art Unit: 2822

Filed: June 12, 2004 : IBM Corporation

Intellectual Property Law

Title: METHOD OF MANUFACTURE Dept. N50/040-4, 1701 North Street

OF SILICON BASED PACKAGE Endicott, New York 13760
AND DEVICES MANUFACTURED

THEREBY :

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This is in response to the Examiner's Office Action of December 6, 2005 requiring a restriction between Group I and Group II inventions.

In this regard, the Examiner has required a restriction to one of the following inventions under 35 USC 121:

 I. Claims 1 - 19, drawn to a process of making, classified in class 438, subclass 106.

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II. Claim 20, drawn to a product, classified in class 257, subclass 678.

The Examiner states that "The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f). In the instant case, the process as claimed can be used to make another and materially different product."

The Examiner then presumably goes on to give an example of how the process, as claimed, can be used to make another and materially different product. However, it appears that the Examiner has, instead, provided an example of two processes that make the same product.

However, in conformance with the Examiner's requirement, Applicants hereby elect Invention I having Claims 1 - 19 grouped therein, drawn to a process of making, classified in Class 438, subclass 106.

Respectfully submitted,

John H. Magerlein, et al.

By:

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WHS/JAJ